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ACADEMIC FREEDOM AND TENURE--DEAN JUNIOR COLLEGE.

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AMERICAN ASSN. OF UNIV. PROFESSORS, WASHINGTON D.C

PUB DATE MAR 67

EDRS PRICE MF-$0.25 HC-$0.40 8P.

DESCRIPTORS- *JUNIOR COLLEGES, *TENURE, *COLLEGE FACULTY, TEACHER ADMINISTRATOR RELATIONSHIP, ACADEMIC FREEDOM,

COMMITTEE A ON ACADEMIC FREEDOM AND TENURE OF THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS INVESTIGATED THE CASE OF THE DISMISSAL OF A DEPARTMENT HEAD IN HIS NINTH YEAR IN SUCH A POSITION. THE COMMITTEE FOUND THAT THE STATED REASONS FOR HIS TERMINATION, WHICH WERE RELATED TO HIS REMOVAL AS DEPARTMENT HEAD, WERE INSUFFICIENT AND THAT THE FACULTY MEMBER HAD BEEN DEPRIVED OF HIS RIGHTS TO ACADEMIC DUE PROCESS. THE COMMITTEE REPORTED THAT INADEQUACIES AND DEFICIENCIES IN ADMINISTRATION OF THE COLLEGE HAD DISCOURAGED THE ESTABLISHMENT OF AN ENVIRONMENT CONDUCIVE TO ACADEMIC FREEDOM. THIS ARTICLE IS A REPRINT FROM "AAUP BULLETIN," VOLUME 53, NUMBER 1, MARCH 1967. (HH)

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Reprinted from
A. A. U. P. Bulletin, Spring, 1967

ED 015730

UNIVERSITY OF CALIF.
LOS ANGELES

AUG 18 1967

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INFORMATION

# Academic Freedom and Tenure: Dean Junior College[1]

## Introduction

Dean Junior College, which is located in Franklin, Massachusetts, was founded as a school in 1865 by members of the Universalist faith. In 1941, a charter for a junior college was granted, and the corporate title of the school became Dean Academy and Junior College—as it still is, although the school no longer functions at the secondary level. In June, 1957, the last class of Dean Academy was graduated and in the fall of 1957 Dean, by now nonsectarian, became exclusively a junior college; it was accredited as such by the New England Association of Colleges and Secondary Schools in December, 1957. According to its most recent catalogue, the College enrolls more than 950 students and has a faculty of about 65.

In a letter dated January 15, 1965, Mr. Morrill M. Slack, Head of the Social Science Department at Dean Junior College since his initial appointment for the academic year 1956-1957, was notified by the President of the College, Mr. William Chadwick Garner, that his contract would not be renewed for the following year (i.e., 1965-1966). Mr. Slack's contract, like that of every other faculty member at Dean at that time, was for one year and had been renewed annually. President Garner's letter to Mr. Slack said, specifically,

> I am writing to confirm the understanding that was arrived at in my office last spring in the presence of Dean Cargill; namely, that your contract will not be renewed for the coming year.
>
> Inasmuch as you will not be continued as a department head, I believe it to be in the best interests of the college that your services be terminated completely.

Mr. Slack objected to this letter on three stated grounds: (1) no such understanding had been reached; (2) although he could understand being replaced as department head, as a teacher he should be separated only for cause, and no cause had been cited; and (3) he received the letter only five months prior to the end of the academic year. Throughout the spring of 1965 he was in correspondence and occasionally in conference with President Garner and Dean David M. Cargill. On March 31, he requested President Garner to arrange a hearing before the Board at which he might present his version of the facts. President Garner told him during a conference held on April 20, 1965, that the matter had been taken to the Personnel Policy Committee of the Board, which recommended that Messrs. Garner and Cargill try to clarify the situation to Mr. Slack. Mr. Slack now wrote directly to Dr. James Kelley, Chairman of the Personnel Policy Committee, requesting a review of the decision; Dr. Kelley replied on May 10 that the Board's function was to set broad policy, not to enter into the actual operation of the College, which was the responsibility of the President.

Earlier, on March 20, 1965, Mr. Slack had informed the Washington Office of the American Association of University Professors of his situation. Efforts by the Washington Office to resolve the problem with President Garner were unavailing, and Mr. Slack's connection with Dean Junior College was severed on June 30, 1965.

On July 2, 1965, the Washington Office informed President Garner that the Association had no alternative except to authorize an investigation into the situation. This investigation was delayed first by the accident that persons who were requested to serve on the committee turned out to have ties of one sort or another with Dean, and then by the continued unavailability of President Garner, who was involved in promotional traveling and in the observation of Dean's centennial year. It finally became obvious that the committee must visit Dean before the members of the faculty departed at the end of that academic year, even if this would necessitate a return later to interview President Garner.

[1] The text of this report was written in the first instance by the members of the investigating committee. In accordance with Association practice, the text was sent to the Association's Committee A on Academic Freedom and Tenure, to the teacher at whose request the investigation was conducted, to the administration of Dean Junior College, to the chapter president, and to other persons directly concerned in the report. In the light of the suggestions received, and with the editorial assistance of the Association's Washington Office staff, the report has been revised for publication.



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Accordingly, an *ad hoc* committee composed of William F. Henry (University of New Hampshire) and William R. Bowden (Dickinson College, Chairman) visited the Dean campus on May 23 and 24, 1966. President Garner made himself readily available on this occasion. The committee was received with complete courtesy and cooperation; facilities, including the use of a tape recorder, were provided for conducting interviews. In addition to President Garner, the persons interviewed included 4 present administrators of the College, 2 former administrators, 22 present faculty members (exclusive of chapter officers), and 6 former faculty members. The faculty members represented six College departments, and ten of them were on tenure status. The committee is grateful to all those who were concerned with the arrangements for the visit and to those who spoke with its members both freely and frankly.

## The Issues

The nonreappointment of Mr. Slack involves a number of different issues, most notably (1) the relation of the department headship to Mr. Slack's status as a teacher; (2) the matter of adequate notice; (3) the question of Mr. Slack's tenure; (4) the matter of due process; and (5) the putative reasons for the nonrenewal, which raise a specific question concerning academic freedom.

## The Chairmanship

The Association has traditionally considered that administrators and department chairmen should not acquire tenure in those positions. Although Mr. Slack was Head of the Social Science Department at Dean Junior College, the administration does not contend that Mr. Slack was solely an administrative officer. It recognizes that he was a faculty member, an "academic person" as contrasted with an "administrative person." It would appear, then, that under the 1940 *Statement of Principles on Academic Freedom and Tenure,* the Dean administration was acting within its rights in relieving Mr. Slack of the duties of department head; the question is whether the administration had the right to terminate his teaching position at the same time. The position of the Association is that it did not.

Interestingly, the right to remain in the department as a teacher was denied not on the basis of incompetence as a teacher, for Mr. Slack's competence was generally acknowledged, but rather in the belief by President Garner that the department members would continue to look to Mr. Slack for leadership, thus making the position of a new head rather difficult. Our investigation would lead us to believe that this concern on the part of President Garner was not unfounded, because all interviewees pointed out that Mr. Slack enjoyed great respect and loyalty from his department members. The committee feels, however, that Mr. Slack was at least entitled to the presumption that he would have made a cooperative department member.

## Adequate Notice

The question of whether Mr. Slack was given adequate notice is of minor importance if he did indeed have tenure status, but, since it represents a point of disagreement, a review of the evidence is in order. President Garner's letter to Mr. Slack, dated January 15, 1965, purported to confirm an understanding reached orally the previous spring. This reference is to a conference involving President Garner, Dean Cargill, and Mr. Slack on March 28, 1964, a conference requested by Mr. Slack when he received a contract for 1964-1965 with no increase in salary. Both Mr. Slack and Dean Cargill took notes at this meeting, and Mr. Slack requested on several occasions to be allowed to see Dean Cargill's notes and check them against his own. He did not get to see them, and the committee did not see them. President Garner told the committee that there was no particular reason for withholding these notes—that it was "just a question of getting jammed up and not getting them transcribed."

The committee's file does contain notes from a meeting of President Garner, Dean Cargill, and Mr. Slack which took place on April 29, 1965, and at which the 1964 meeting was discussed. These notes, supplied by President Garner, say, *inter alia,*

> 1. He [President Garner] said he could not understand why Mr. Slack was not clear that this was to be his last year, inasmuch as:
>    a. Mr. Slack had asked specifically at the 1964 spring conference with President Garner if he should start looking for a job for next fall, and was told that he had a contract for the next year.
>    b. He then asked if there would be a change in department head and was told that the President saw no reason for a change of his status.

President Garner told the committee that this is substantially what was said at the March, 1964, meeting—that neither he nor Mr. Slack explicitly mentioned the year 1965-1966, but that he thought it would be clear to Mr. Slack from the context of these remarks that the coming year would be his last one at Dean. Dean Cargill added from his own minutes of a conference with Mr. Slack on November 18, 1964, that Mr. Slack had said, speaking of his evaluation of the members of his department, "As I understand from our talk last year, I won't be here next year." Mr. Slack's own reply to the President's letter of nonreappointment (which he states he delayed until after his departmental colleagues had signed their contracts so that there would be no mass movement of resignation in protest) began, "Although I was not completely surprised by your letter of 15 January, I would like to correct the impression you conveyed that we reached an understanding last spring that this would be my final year here. We did not."

Lacking any incontrovertible evidence as to exactly what was said on March 28, 1964, the committee can only conclude (1) that the possibility of Mr. Slack's nonreappointment was touched on; (2) that no explicit statement was made to Mr. Slack that 1964-1965 would be his last year at Dean; and (3) that whatever

was understood by any of the participants in that conference, Mr. Slack was given no written notice of the termination of his services in June, 1965, until January 15, 1965. The Association's *Statement on the Standards for Notice of Nonreappointment* calls for a year's *written* notice after two years of service. Mr. Slack's first written notice was less than six months.

The facts of this case underscore the importance of the Association's policy.

## Mr. Slack's Tenure

The 1940 Statement of Principles provides that the probationary period should not exceed seven years, including an allowance for at least three years' full-time teaching experience at other colleges. Mr. Slack was first appointed to the faculty of Dean Junior College on May 11, 1956. Before going to Dean, Mr. Slack (B.S., Harvard College, and M. Ed., Boston University) taught one semester at Bradford Junior College, three years (1948-1951) as an instructor at Boston University, two years (1951-1953) as an assistant professor at Aroostook State Teachers College in Maine, and three years (1953-1956) as an assistant professor at Boston University. He therefore had, prior to his original appointment at Dean, eight and a half years of full-time service as a college teacher. Mr. Slack also served at Dean Junior College as a full-time department head-teacher for nine years, from 1956 until June, 1965, with eight of these years occurring after the transformation of Dean Academy into a two-year junior college. His total service in the profession was thus seventeen years, and his service at Dean alone exceeded the maximum probationary period recognized by the 1940 Statement of Principles. For this reason he must be regarded as having tenure (as teacher, though not as department head).

The position of the Dean administration, as reviewed by President Garner, is summed up in six points: (1) that the length of probationary period given in the 1940 Statement is not binding on any particular college, particularly since the *AAUP Bulletin* for May, 1965, questions the adequacy of the seven-year maximum for the probationary period (p. 148); (2) that Dean did not have an official tenure policy in 1963 and 1964, and therefore no faculty member could logically make assumptions about the length of the probationary period; (3) that no faculty member asked about tenure or the probationary period; (4) that prior to the adoption of a written policy on tenure, applicants for teaching positions were told that the College had no tenure policy, although it was interested in keeping good people, not in getting rid of them; (5) that during the past, faculty members with more than ten years' service had been separated; and (6) that a number of New England universities permit a maximum of ten years for the probationary period. Therefore President Garner concludes that he and the Dean of the Faculty were reasonable and consistent in not operating on the basis of a seven-year probationary period prior to the adoption of an official tenure policy, and he denies Mr. Slack's contention that he had *de facto* tenure because of his length of service.

President Garner's six points reveal a fundamental misunderstanding of the position of the American Association of University Professors. The Association regards the 1940 Statement of Principles as a norm for the protection of academic freedom which applies whether or not a particular institution has formally recognized it or adopted regulations consistent with it, a fact of which President Garner was informed by the Washington Office in ample time for him to withdraw the notice of nonreappointment given to Mr. Slack. In the Association's view, it was the administration's responsibility to see that no faculty member was retained without tenure beyond the seven-year probationary maximum, and it is therefore irrelevant that no faculty member may have asked about tenure or the probationary period. Nor is it a mitigation of the violation of the 1940 Statement in Mr. Slack's case that the administration had previously given notice to faculty members after ten years of service. Finally, it is no justification of the practices of Dean Junior College, which had not even recognized the concept of tenure, to compare them with the practices of New England universities which, whatever their probationary periods, have long since recognized the importance of tenure.

The committee finds the conclusion inescapable that in applying its general notice policy by terminating, on written notice of less than six months, the services of a faculty member with seventeen-and-a-half years of full-time teaching behind him, nine of them at Dean, the administration of Dean Junior College has committed a serious violation of the 1940 *Statement of Principles on Academic Freedom and Tenure.*

## Due Process

Since Mr. Slack did, in the eyes of the Association, have *de facto* tenure status at Dean Junior College, he should have been subject to dismissal only for cause, under the protection of the procedural standards outlined by the Association of American Colleges and the American Association of University Professors in the *Statement on Procedural Standards in Faculty Dismissal Proceedings.* The letter informing him of the termination of his contract did not specify any reason for his nonreappointment other than that, since he was not to be continued as a department head, President Garner believed it "to be in the best interests of the college" that his services be terminated completely. Mr. Slack's own notes on his meeting with President Garner and Dean Cargill on March 28, 1964, reflect some criticism of his performance as department head, but do not indicate that this criticism was being advanced as cause for his dismissal as a teacher.

On March 31, 1965, Mr. Slack wrote to President Garner reminding him of the fact that he had not been able to see Dean Cargill's notes on the meeting of March, 1964, and concluding:

> Although I agree with Dean's published goals and have appreciated the freedom I have had within the department, I have been critical of certain trends and policies that I

felt were not in the best interest of Dean. I believe that a community of learning should be a free market of ideas. I have worked for academic freedom and responsibility, and I am deeply concerned that my forced departure may be construed by the faculty as a repudiation of these ideas by your administration.

Will you arrange a hearing before the board at which I could present my version of the facts in our disagreement?

President Garner's reply, dated April 23, 1965, was an invitation to meet with him and Dean Cargill on April 29. At this conference, according to President Garner's notes, Mr. Slack "[could] understand being removed as department head but [thought] that as a teacher he should be removed only for cause and he has had no 'bill of particulars.'" The President's reply to this point was as follows:

. . . if Mr. Slack was not to be retained as department head, he should be separated completely because:

a. It would be difficult to get the kind of person we want with the former department head still on the staff.
b. The problem of divided loyalties within the department is one with which a new man should not be asked to cope.

In reply to Mr. Slack's written request of March 31 for a hearing with the Board, President Garner's notes state:

He [President Garner] informed Mr. Slack that his case had been brought to the attention of the Personnel Policy Committee of the Board informally during the spring of 1964, and formally at a regular meeting of the Committee as a result of Mr. Slack's letter. The Committee decided it was not a matter in which it should be involved, and recommended that the President and Dean Cargill invite Mr. Slack to sit down with them and try to clarify the situation for him.

After this April 29 meeting, Mr. Slack wrote on May 4, 1965, to the Chairman of the Personnel Policy Committee of the Board, Dr. James Kelley, a professor and associate dean at a nearby university. After a brief statement of the situation as it then stood, Mr. Slack concluded,

. . . I believe that I have taught with reasonable effectiveness, and I sought a review of this decision by your committee because I hoped it could be reconsidered privately.

If the second paragraph of this letter [essentially a restatement of President Garner's oral reply to him as cited above] reflects accurately the feelings of your committee, no further internal review is possible. If it reflects a misunderstanding by me, I would appreciate hearing from you as soon as possible.

Although Mr. Slack considered this letter a request for a hearing, Dr. Kelley construed it as a request for a review of President Garner's original decision, and replied:

. . . President Garner did bring the case to us and we did indicate that he should handle the matter in that he was the chief officer of the College. We support the position that it is the President's duty to evaluate the teaching personnel in terms of their effectiveness in all assignments given to them. . . . The Board of Trustees is a body whose role is to set broad policy. In no way, nor at any time, are we to enter into the actual operation of the College. The administration and staff have been hired for this purpose.

There seems to have been no further mention of a hearing on either side.

The committee concludes that Mr. Slack was not at any time presented with written charges of deficiencies on his part and, so far as the written record shows, his appointment was not terminated for any fault of his but solely because of the administrative judgment that he should not remain as a department member under a new head. The administration acted upon the assumption that due process was unnecessary because it was treating Mr. Slack's case as one of nonreappointment of a nontenured faculty member. This was a major defect in its position.

## Academic Freedom

Both Mr. Slack and a former colleague of his at Dean Junior College have suggested that Mr. Slack's share in the founding of a chapter of the Association at Dean and his subsequent presidency of the chapter may have been the reason for his nonreappointment. Although there seems to be among some of the more conservative members of the faculty a feeling that the members of the Dean chapter of the Association are troublemakers, the committee was unable to find valid evidence to substantiate the concern that Mr. Slack's Association activities had something to do with his nonreappointment, unless possibly as a minor aggravation of tensions already in existence.

As the investigating committee has already inferred, the real reason for Mr. Slack's nonreappointment appears to have been the respected position as a leader which he enjoyed among his colleagues, a position which in the administration's judgment would make the work of a new department head difficult. Related to this inference is a matter which came up both in Mr. Slack's notes on the meeting of March 28, 1964, and in the committee's conversations with President Garner and Dean Cargill, namely, that Mr. Slack had a critical, "needling" attitude toward the administration which led to administrative doubts as to the "long range compatibility of the critic."

Some of the "needling" that the President felt subjected to by Mr. Slack apparently arose from a strong feeling of loyalty for his colleagues, which was obviously returned by them. In the interview with President Garner and Dean Cargill at the end of the committee's investigation they were asked, "Do you think that some of his activities with you were based to a fair extent on loyalty to people . . . [that there seemed to be] this strong feeling of loyalty to the people he was associated with on either a permanent or even a very temporary basis?" Dean Cargill replied, "My personal reaction is yes . . . and this I could not help but see as a form of loyalty with members of his department . . . a loyalty to somebody rather than . . . a loyalty to try to get the best solution to a problem."

In brief, although the committee finds no tangible violation of Mr. Slack's academic freedom in the classroom, it does find a fundamental clash of opinion as to the nature of the instructor's rights as a member of the campus community which may have significant

implications for academic freedom. This matter can best be approached through a consideration of the general conditions on the Dean Junior College campus.

When questioned as to the general state of academic freedom at Dean Junior College, 15 of the 28 past and present faculty members interviewed stated firmly that there had been no interference with the conduct of their classes. In the area of academic freedom, only one overt incident seems to have occurred at Dean in the last two years: the newly appointed vice president for development addressed the faculty in the fall of 1965 on his plans and ideas, and in the course of his remarks requested the faculty to avoid controversial activities, at least during the year of Dean's centennial celebration. This request elicited an immediate and apparently very firm speech of rebuke from one of the senior faculty members, who has not suffered for his outspokenness.

In the spring of 1966 the same vice president for development objected to the presentation, by professional actors, of two plays, *The Zoo Story* and *Krapp's Last Tape,* as a part of the series of symposia held in observation of the centennial; he was concerned about the public relations aspects of these plays, and recommended to President Garner that others be substituted. President Garner conferred with the instructor in drama, Mr. Robert J. Owczarek, who had proposed the plays, and with others, and asked Mr. Owczarek to prepare a written rationale as to why these particular plays should be given on this occasion. On receiving it, he allowed the plays to go on as originally scheduled. In general, then, the academic freedom of the teacher in his classroom at Dean Junior College seems to be secure.

Academic freedom, however, is construed as including the right of the individual instructor, without fear of reprisal, to express his views as a member of the college community concerning the decisions that shape the course of the college, and in this area the picture is less attractive. Dean would appear to be a textbook example of the small, conservative school which is suddenly propelled by the course of events and by a radical expansion into a new and unsettling world. An influx of energetic and ambitious young instructors with a sense of mission and with memories of how things were done at other institutions often causes those faculty members who liked things the way they were to withdraw into themselves and resist the threat of change. Unless the board and the administration are also new, there is likely to be added resistance to the pressures of the group inevitably identified as "Young Turks," and a widening schism develops.

At Dean, the arena for the beginning of the schism was the Faculty Association, a para-faculty organization whose activities seem to have been primarily social. The younger group, the "liberals," as one senior instructor described them, felt that the Faculty Association should have a more intellectual orientation, and they were able to institute a series of forum or discussion meetings. The atmosphere of debate and contention at these discussions made some of the older members uneasy—the Faculty Association wasn't "friendly" any more—and some of them dropped out. About 1963, the Faculty Association became more active in campus affairs, and eventually it turned its attention to college administrative matters. In particular, it recommended the establishment of a viable committee system and a tenure policy. As a result of the former recommendation, certain faculty committees were established and were active during the academic year of 1964-1965; but 1965-1966 was a year of "evaluation" of the committees, and the committees seem to have become moribund at the time. Some faculty members expressed the view that it was largely frustration over the failure of the Faculty Association to accomplish much with respect to faculty committees that led to the formation of the chapter of the American Association of University Professors.

With regard to the recommendation that a tenure policy be instituted, a set of proposed institutional regulations on academic freedom and tenure was worked out during the academic year of 1964-1965 by a faculty committee and was accepted by the faculty on April 6, 1965. A week later, the Personnel Policy Committee of the Board rejected these proposals on three counts: (1) that the areas of appointment and promotion should be a part of a general tenure policy and that the proposals failed to consider them; (2) that the proposals were not adequately tailored to the Dean situation; and (3) that the proposals would be "cumbersome" in application. In May, 1965, the Board adopted that part of the 1940 *Statement of Principles on Academic Freedom and Tenure* which applies to academic freedom—specifically, paragraphs (a), (b), and (c) under the heading "Academic Freedom." In the summer immediately following, another *ad hoc* committee of the faculty, appointed by President Garner, formulated a different tenure plan; this plan was accepted by the Board on October 20, 1965. This statement of policy on appointments, promotions, tenure, and dismissals resembles the 1940 Statement of Principles in its specification of a maximum seven-year probationary period and its provisions for a hearing by a faculty committee in dismissal cases. It is, however, deficient in a number of respects; it does not, for example, grant in all cases adequate credit on the probationary period for previous full-time teaching experience, it does not prescribe adequate notice of nonreappointment or dismissal, and it permits the dismissal, without due process or adequate notice, of any faculty member "when his delinquencies are gross and evident." The policy statement was presented to the faculty as a *fait accompli.* Subsequently, on December 1, 1965, the faculty was notified by bulletin that sixteen of their number had been promoted to tenure status and that five of these had been appointed to a faculty Committee on Tenure. According to President Garner, the group of sixteen includes all faculty members "who have taught *at Dean* seven years or longer."

The administration is fairly frank in acknowledging that the imminent adoption of a tenure policy precipitated the nonreappointment of Mr. Slack. The President and the Dean consider that they were doing a sensible and permissible thing in terminating his services before

the question of giving him tenure became an issue.

The present situation at Dean Junior College therefore represents an improvement over the past, at least in the fact that there now exist written statements of policy covering the sensitive areas of academic freedom, tenure, and due process. Beyond this, an evaluation of present conditions must necessarily be the sum of impressions gathered from the interviews conducted by the committee. First of all, there is still a certain division among the faculty—a division between an older, more conservative wing and a younger, more activist group. This division is probably less in evidence than it was a year or so ago, as the result of resignations, dismissals, and nonreappointments over the past three years, especially during 1964. One person interviewed expressed his satisfaction with the prospect that "now the liberals are gone, things will get better"; conversely, another described the academic year of 1965-1966 as the year of most apathy and complacency in a progressive deterioration of spirit.

It still seems to be true that there is considerable administrative resistance to any share by the faculty in the decision-making processes of the College. Almost everyone interviewed concurred on this point; almost without exception, those who failed to remark on this resistance were those who described themselves as believing that "the administration should run the College," or as choosing to "teach their classes and go home."[2] There seemed to be some feeling, though this was less generally expressed, that it is unwise to criticize anything about the College, and particularly any administrative act or decision. (Many informants believed that Mr. Slack's outspoken criticism was at the bottom of his separation.) Among younger faculty members, there was some expression of a sense of insecurity, of the need to be careful what one said and to whom one said it.

Whatever the dangers of outspokenness on the instructor's part, the lack of interest in a possible faculty contribution to institutional improvement is indicated by the absence of a viable committee system and, until recently, of regularly scheduled faculty meetings, and of any clear-cut functions for the faculty. Further evidence of an inadequacy in communications appears in connection with the policy governing faculty terminations.

There appears to be a record of sudden and unexpected nonrenewals, with or without adequate notice, a record which might well contribute to the sense of insecurity among some faculty members. The present existence of a statement of policy concerning due process for dismissal of tenured faculty does not seem to have changed the peremptory quality of Dean's practice toward nontenured faculty. In the winter of 1965-1966, one instructor who had received a substantial increase in salary upon each of three successive reappointments was notified that his fourth year at Dean would be his last; this man felt that neither his contractual history nor any explicit criticism from his superiors had given him any reason to expect termination. The incident indicates improvement over past conditions in that this particular notification came on December 14, whereas the committee was told of earlier instances when such notices had not been mailed until May. But the important fact seems to be the lack of communication which brings such a termination as a surprise and shock to its victim; the administration seems reluctant to criticize until it is too late for criticism to be constructive.

It was not possible to formulate a completely clear picture of the position of the local chapter of the Association. One faculty member stated his feeling that the organization is a union, Communistic in its general attitudes, and this seems to reflect, though to an extreme degree, the attitude of some of the older group. Some Association members felt that part of the faculty considered them dangerous; some nonmembers sensed some administrative hostility toward the chapter, and one said that he had been warned by senior members of his department against having anything to do with the organization. Others felt that the administration was essentially indifferent to the chapter. One commented that whatever President Garner's attitude was, he was taking the perfect course to eliminate the chapter by doing nothing overt but simply ignoring it. But there seems to be no convincing evidence that membership in the Association's Dean Junior College Chapter invites reprisals by the administration.

## Summary of Conclusions

The termination of Mr. Slack's appointment constitutes a serious violation of the 1940 *Statement of Principles on Academic Freedom and Tenure.* As a faculty member with more than seventeen years of college and university teaching experience, nine of them at Dean, Mr. Slack had long since passed the time when, under the provisions of the 1940 Statement, his position at Dean Junior College could be terminated by simple notice of nonreappointment. Any separation from his teaching position should have been effected only for adequate cause demonstrated in a hearing attended by the safeguards of academic due process. The administration's failure to provide academic due process, in the context of this case, can only invite an atmosphere in which faculty members will be reluctant to voice their criticisms of college policies. Such an atmosphere, intensified by the still inadequate faculty role in the government of the college, is not conducive to sound conditions of academic freedom.

William R. Bowden (English), Dickinson College, *Chairman*

William F. Henry (Resource Economics), University of New Hampshire

*The Investigating Committee*

[2] The Washington Office has recently been informed that, following a February 15, 1967, announcement of President Garner's resignation, the faculty elected, at the request of the Chairman of the Board of Trustees, an advisory committee of seven members to assist the Board's committee in the selection of a successor. In an address to the faculty, the Board Chairman expressed the desire of the Executive Committee of the Board of Trustees to work more closely with the faculty in determining and carrying out College policies.

Committee A on Academic Freedom and Tenure has by vote authorized publication of this report in the *AAUP Bulletin*:

Sanford H. Kadish (Law), University of California, Berkeley; *Chairman*

*Members:* Richard P. Adams (English), Tulane University; Clark Byse (Law), Harvard University (not voting in this instance); Bertram H. Davis (English), Washington Office (not voting in this instance); David Fellman (Political Science), University of Wisconsin; William P. Fidler (English), Washington Office, *ex officio*; C. William Heywood (History), Cornell College; William J. Kilgore (Philosophy), Baylor University; Spencer L. Kimball (Law), University of Michigan; Walter P. Metzger (History), Columbia University; C. Dallas Sands (Law), University of Alabama; Victoria Schuck (Political Science), Mount Holyoke College.

Publication of the
AMERICAN ASSOCIATION
OF UNIVERSITY PROFESSORS

# AAUP bulletin

*Spring Issue* VOL. 53 NO. 1 MARCH 1967

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*Editorial and Advertising Offices*: 1785 Massachusetts Avenue, N. W., Washington D. C. 20036. Tel. 202 462-4332. Printed by National Publishing Company. Issued four times a year: Spring (March), Summer (June), Autumn (September), and Winter (December). Subscription price (due and payable in advance) is $3.50 a year, postage free. Single copies, $1.00. Foreign subscriptions including Canada are $4.00 a year. Second-class postage paid at Washington, D. C. Advertising rates available upon request.

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